

March 18, 2021

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Jeremy Vink, Manager of Planning
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Dear Mr. Welwood and Mr. Vink;

**RE: Capital Paving Shantz Station Pit
High-Level Response to PlanScape Review of the Shantz Station Pit Agricultural Impact
Assessment
OUR FILE 16313B**

Thank you for sharing PlanScape's review of the Agricultural Impact Assessment undertaken on behalf of the Hopewell Creek Ratepayers Association (HCRA). While this review was not provided to us directly by HCRA, we are providing this response to assist with the Region's and Township's consideration of the materials provided. We have reviewed the comments on the Shantz Station AIA prepared by Margaret Walton and offer the following high-level responses. Ms. Walton's comments are identified in bold, followed by our responses.

On behalf of the Region of Waterloo, an independent peer review of the Shantz Station Agricultural Impact Assessment (AIA) was completed by Colville Consulting in 2020. All peer review comments on the Shantz Station AIA have been adequately addressed and the peer reviewer has indicated that they have no outstanding concerns. We note that Colville Consulting is a qualified agricultural consultant with experience and knowledge of aggregate rehabilitation techniques.

The Shantz Pit application should be updated to respond to updated PPS and Growth Plan policies and to address the final provincial Agricultural Impact Assessment Guidance Document.

The Planning Justification Report included an Addendum that addressed Conformity with the 2019 Growth Plan. We note that the 2020 changes to the Growth Plan were primarily limited to housing and corresponding development matters.

The PPS 2020 and Growth Plan 2020 did not include any aggregate or agricultural policy changes that require further consideration in the Shantz Station Pit Agricultural Impact Assessment.

The unfortunate reality of dealing with aggregate applications is that in the provincial policy hierarchy, aggregate protection and extraction of aggregate resources tends to take precedence over agriculture.

We disagree with this statement which appears to be subjective. The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The policies of the PPS require the wise use and management of resources over the long term as a key provincial interest – this includes both aggregate and agriculture. There is no policy hierarchy in the PPS.

There is still considerable debate as to whether the standard set in Section 2.5.4 of the PPS can be met.

We disagree with this statement which, again, we consider to be subjective. Capital Paving has successfully rehabilitated and completed a substantial amount of progressive rehabilitation at five of their pits to an agricultural condition, including the Capital Paving Wellington Pit and Whistle Bare pit (pictures were included in the Shantz Station AIA Appendix B) as well as three other gravel pits located in Puslinch and Guelph/Eramosa.

To ensure that the pit is returned to an *agricultural condition* (i.e. a condition in which substantially the same areas and same average soil capability for agriculture are restored), the AIA recommends specific soil management protocols as well as an annual monitoring program. The requirement for an annual monitoring program is included on the *Aggregate Resources Act* Site Plans and must be undertaken as part of progressive and final rehabilitation.

Further, Mr. Colville agreed with the conclusion that the pit can be returned back to an agricultural condition, consistent with the policies in Section 2.5.4 of the PPS. In addition, OMAFRA was directly consulted on this application and did not object or raise any concerns with the proposal.

There is no consideration of alternative sites in the AIA.

This comment was addressed in the May 4, 2020 MHBC Response to Colville Consulting Peer Review (see response to comment #1).

The Shantz Station pit is an above-the-water-table pit that will be rehabilitated back to an agricultural condition, as confirmed by Mr. Colville. Because the licenced area will be rehabilitated to an agricultural condition, the policies of the PPS that require the consideration of alternatives do not apply.

The entire Township of Woolwich is mapped as a Prime Agricultural Area except for the settlement areas and a former aggregate extraction site known locally as “Snyders Flats”. All Mineral Aggregate Resource Areas in the Township of Woolwich overlap with Prime Agricultural Areas.

Mineral Aggregate Resource Area (MARA) Mapping in the Township and Regional Official Plans is based on provincial aggregate deposit mapping (i.e. Aggregate Resource Inventory Papers). Only Provincially identified Primary and Secondary Aggregate Deposits are mapped in the Official Plans as MARAs.

Provincial aggregate mapping aims to identify known major resource deposits, based on minimum quality and quantity criteria, for the purposes of resource protection. The Provincial mapping is not always accurate and the boundaries of the identified resource areas are often based on air photo interpretation and are not necessarily field verified. There is no Provincial, Township, or Region policy that requires aggregate extraction to only occur in MARAs as there are many factors that must be considered when siting a new mineral aggregate operation, including: rights to extract the land, quality and quantity of aggregate available, distance to market, as well as land use and environmental considerations, among others. Both the Township and Region policies for the MARA mapping indicate that the identification of these resources does not presume that these areas are suitable for extraction. This mapping is not intended to be exclusive as additional un-mapped or tertiary deposits may still be viable for commercial extraction.

For this reason, both the Township and Region Official Plan permit extraction outside of mapped Mineral Aggregate Resource Areas, where there is a sufficient quantity and quality of resources to warrant extraction.

The proposed Shantz Station pit is located in an area that is mapped as containing tertiary aggregate deposits, there have been two previous extraction sites located immediately north of the proposed pit, and Capital Paving has undertaken site-specific investigations to confirm the presence of a commercially viable aggregate deposit.

Justification of need;

The PPS states that:

“As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible. Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere (s. 2.5.2.1).

There is a Provincial interest in making mineral aggregate resources available as close-to-markets as possible. As outlined in the Planning Justification Report, aggregate resources from the proposed pit will be used to supply construction markets in the Waterloo and Guelph areas. There is an ongoing need for these aggregate materials to support local construction and infrastructure projects.

The PPS explicitly states that demonstration of need for mineral aggregate resources shall not be required.

Inadequate inventory of existing land uses in proximity to the proposed pit;

The update Land Use survey is included as Figure 4 in the May 4, 2020 Response to Colville Consulting Peer Review of Agricultural Impact Assessment (MHBC). Grootendorst Dairy Farm and St. John Kilmarnock School are included on the Land Use map and have been considered in the AIA impact assessment. All potential impacts to the adjacent and surrounding properties have been assessed and sufficiently mitigated to the satisfaction of the Provincial review agencies as well the Region of Waterloo and Township retained peer reviewers.

We are not aware of any agricultural properties that have been missed in the AIA Land Use Survey but would be happy to discuss this with Planscape if provided the opportunity.

Study Area

The Study Area distances used in the AIA are in line with the Provincial Guidance materials which recommend:

Primary Study Area: For mineral aggregate resource extraction, the primary study area (i.e. subject land) is the proposed licensed area. The Shantz Station pit AIA expanded the Primary Study Area to include the proposed licenced lands, in addition to, the 120m located directly adjacent to the proposed Licence boundary.

Secondary Study Area: For mineral aggregate operations, the extent of the secondary study area will vary depending on the scale and extent of the proposed mineral aggregate operation and the nature of the agriculture uses in the surrounding area. The secondary study area can be increased or decreased based on the nature of the proposed operation. The Guidance Materials state that a 1km secondary study area radius is to be used as a starting point for large operations, such as limestone quarries, that include blasting and dewatering and may have a potentially large affected area. The Guidance Materials further state that for small to medium-sized gravel pits, agricultural land and operations adjacent to the proposed mineral aggregate operation may be sufficient. The appropriate secondary study area is to be determined based on the scale of the proposed extraction and potential impacts on agriculture.

The proposed Shantz Station pit is an above-the-water-table pit. A 1km secondary study area was determined to be a conservative secondary study area that would include the potential areas that may be affected by indirect impacts of the proposed operation.

Consultation

In November 2017, Capital Paving visited all of the neighbours located adjacent to the proposed pit – this included the large dairy farm (Grootendorst Farms) and Hopewell Creek Stables. During the initial discussions and correspondence before the applications were made, with the dairy operation and the stables, none of the representatives expressed any concerns with the proposed pit. It is also worth noting that neither of these two businesses submitted formal objections to the ARA licence application. There has been consultation through the Planning Act and Aggregate Resources Act process. Capital has endeavored to make all information available publicly through the project website and regular newsletter updates which are provided to all landowners who have provided comments or questions on the application.

Local Character

As noted in the reviewer's comments, the Maryhill area is already a highly fragmented rural community and includes a mix of agricultural uses, residential uses, institutional uses, and recreational uses. The Maryhill area has also supported two previous aggregate operations which were surrendered and rehabilitated in the mid-2000s. These two rehabilitated aggregate sites are now part of the community landscape and are located directly north of the proposed Shantz Station pit. Aggregate extraction is a

common and appropriate interim land use in rural areas. It is a specifically permitted use in both rural areas and prime agricultural areas based on the PPS policies.

A Visual Impact Study has been completed to ensure that pit operations are appropriately screened while the pit is active and operational. Once extraction is complete, the area will be returned to an agricultural condition. As shown on the Rehabilitation Plan, the proposed final grades will not result in a “hole in the middle” in the middle of the community. The rehabilitated pit will include gentle side slopes in most areas and the pit floor will be slightly sloped (1 to 2%) which will be suitable for the production of a variety of field crops.

Phasing

The Phasing of the pit ensures that as much area as possible will be maintained in an agriculture condition while operations are ongoing. In addition, the site plan requires that the site be progressively rehabilitated as extraction proceeds through the site. Please see the included photo of Capital’s Wellington Pit operation that demonstrates the Company’s phased progressive agricultural rehabilitation alongside the active areas of the pit operations.

The AIA requires that an annual monitoring program be completed and included as part of the annual compliance approval. In addition, specific agricultural rehabilitation recommendations to ensure that each phase is successively rehabilitated to an agricultural condition are also outlined in the AIA and included on the Site Plan. A total of 96% of the area extracted will be returned to an agricultural condition with an average of Class 2 soil capabilities.

We note that the total lifespan of the pit is estimated to be 12 to 15 years, based on market demand. As the pit is to be operated in five sequential phases that will be rehabilitated progressively, the temporary change to the landscape will be spatially limited and will not result in any permanent impacts to the agricultural system or pattern in the area.

Thank-you for the opportunity to provide this high-level response. Should you have any questions or wish to discuss further, please let us know.

Yours truly,

MHBC



Caitlin Port, MES, MCIP, RPP



Pierre J. Chauvin, BSc (Agr), MA, MCIP, RPP

cc. *George Lourenco, Capital Paving*

attach air photo of Capital Paving Wellington Pit progressive rehabilitation

**Capital Paving Wellington Pit, Puslinch Township
Progressive Rehabilitation**

